

# Wetlands Bureau Decision Report

Decisions Taken  
03/17/2003 to 03/21/2003

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2000-02609 GRINNELL, CHARLES**  
**ALTON Lake Winnepesaukee**

### Requested Action:

Amend permit to accept the "as built" plans dated February 18, 2003, as received by the Bureau on February 19, 2003, submitted by the applicant.

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### Conservation Commission/Staff Comments:

Alton CC recommends denial because the shoreline does not meet Rule Wt 402.07(b)(2)

Inspection Date: 11/14/2002 by Darlene Forst

Inspection Date: 05/22/2001 by Gary A Springs

### APPROVE AMENDMENT:

Remove an existing permanent pier and an existing 6 ft x 40 ft seasonal dock and fill 1450 sq ft to construct 54 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 27 ft x 3 ft cantilevered pier accessed by a 14 ft x 3 ft walkway and a 6 ft x 34 ft dock along the shore on an average of 119.3 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with plans dated February 18, 2003, as received by the Department on February 19, 2003.
2. All portions of the existing permanent pier shall be completely removed from the frontage prior to the construction of any new structures on the frontage.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water except as allowed by the affected abutter.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of the proposed breakwater, as measured at normal high water, shall extend more than 42 feet lakeward of the normal high water line.
9. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
10. The width as measured at the top of the breakwater(Elev. 504.32) shall not exceed 3 feet.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

### With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a Breakwater.
2. The applicant has provided sufficient evidence through photographs that, when combined with the conditions observed on a site inspection on May 22, 2001, show the construction of a breakwater at this site is justified in accordance with Rule Wt 402.07(c), Breakwaters.
3. The applicant has an average of 119.3 feet of frontage along Lake Winnepesaukee, Rattlesnake Island.

4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The docking facility as constructed provides 2 slips as defined per RSA 482-A:2, Boat slip, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on May 22, 2001, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on May 22, 2001 found no evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

**2001-01026 CABOT MOTOR INN INC, C/O BERNIE CHOQUETTE**  
**LANCASTER Unnamed Wetland**

Requested Action:

Retain 25,395 square feet of fill and install two 24" x 30' culverts within palustrine forested wetlands and an unnamed seasonal stream to construct an access road for remaining lands, for previously completed parking lot/playground construction, and for installing a stone-lined waterway to replace the original seasonal stream adjacent to the Cabot Motor Inn. Restore and revegetate 323,365 (7.42 acres) square feet of previously impacted palustrine forested/scrub shrub wetland that were impacted from site clearing and regrading. Mitigate permanent wetland impacts by placing a conservation easement on 483,135 square feet (11.09 acres) of upland buffer to minimize overall impacts.

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Conservation Commission/Staff Comments:

DES enforcement and permitting staff met with the applicant and inspected the site on 11/19/02 and found the large area of disturbed wetland and upland to be in a stable condition, and that proper erosion controls were in place. In order to complete the after-the fact application, DES requested that the applicant develop a mitigation package to offset the requested amount of permanent wetland impacts.

Inspection Date: 11/19/2002 by Craig D Rennie

APPROVE AFTER THE FACT:

Retain 25,395 square feet of fill and install two 24" x 30' culverts within palustrine forested wetlands and an unnamed seasonal stream to construct an access road for remaining lands, for previously completed parking lot/playground construction, and for installing a stone-lined waterway to replace the original seasonal stream adjacent to the Cabot Motor Inn. Restore and revegetate 323,365 (7.42 acres) square feet of previously impacted palustrine forested/scrub shrub wetland that were impacted from site clearing and regrading. Mitigate permanent wetland impacts by placing a conservation easement on 483,135 square feet (11.09 acres) of upland buffer to minimize overall impacts.

With Conditions:

1. All work shall be in accordance with revised plans by Colin F. Sutherland, as received by the Department on 2/24/03.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies this lot shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Work within the seasonal stream shall be done during low flow or dry conditions.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

#### RESTORATION CONDITIONS:

14. This permit is contingent upon the restoration of 323,365 square feet (7.42 acres) of wetlands in accordance with revised restoration plan received on 2/24/03.
15. The restoration area shall be properly constructed, monitored, managed in accordance with the restoration plan and summary done by Lobdell Associates Inc.
16. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
17. The permittee shall designate a qualified professional who will have the responsibility to assure that the restoration area is constructed in accordance with the restoration plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary.
18. The permittee shall monitor the initial construction of the restoration area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation are present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
19. A post construction report shall be submitted to the Wetlands Bureau within six (6) months of completing the wetland restoration areas.
20. Follow-up inspections shall be completed after the first and second growing seasons, to review the success of the restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of each year.

#### MITIGATION CONDITIONS:

21. This permit is contingent upon the execution of a conservation easement on 483,135 square feet (11.09 acres) of upland buffer as depicted on plans received 2/24/03.
22. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
23. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
24. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
25. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
26. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
27. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
28. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. This project is considered a Major Project per Rule Wt 303.02(c), as impacts are greater than 20,000 square feet.
2. DES staff reported the violation on 6/6/01, as it was apparent that a large wetland area had been disturbed.
3. An after-the-fact application with proposed restoration was submitted by the owners of the Cabot Motor Inn on 7/29/02.
4. DES enforcement and permitting staff met with the applicant and inspected the site on 11/19/02 and found the large area of disturbed wetland and upland to be in a stable condition, and that proper erosion controls were in place. In order to complete the after-the fact application, DES requested that the applicant develop a mitigation package to offset the requested amount of

permanent wetland impacts.

5. Final mitigation plans were submitted on 2/24/03 that proposed to place a conservation easement on 11.09 acres of upland buffer.

6. According to the draft mitigation rules, the net mitigation that is required is 365,053 square feet (8.38 acres) of protected upland buffer. The applicant has proposed placing a conservation easement on 483,135 square feet (11.09 acres) of upland buffer to meet the standards of the draft mitigation rules.

7. The project, as approved and conditioned, has met the intent of Rule Wt 302.03 regarding the avoidance and minimization of wetland impacts.

8. Public hearing is waived with the finding that once the restoration and mitigation work is completed, the project will have only minimal environmental impacts to the palustrine forested/scrub-shrub wetland community.

**2002-00619                      NH DEPT OF TRANSPORTATION**  
**MANCHESTER   Neal Brook**

Requested Action:

Request to amend permit to relocate and increase one impact area due to archaeological concerns and add 12,036 sq. ft. of impact to construct a sound wall/berm.

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Inspection Date: 06/20/2002 by Gino E Infascelli

APPROVE AMENDMENT:

AMEND PERMIT TO: Impact a total of 44,365 sq. ft. of palustrine and riverine wetlands to allow for safety upgrades on NH Rt. 101 and NH Rt. 28 By-Pass along with the construction of water quality structures and a sound wall/berm. NHDOT project #12609.

With Conditions:

1. All work shall be in accordance with plans by HTA Companies sheets 4 through 8 (not dated), sheet 9 by NHDOT Bureau of Highway Design (not dated) and sheets 10 and 11 by CLD Consulting Engineers revised 11/21/02 as received by the Department on February 7, 2003.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Before work begins on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Construction equipment shall not be located within surface waters.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 20, 2002. Field inspection determined the proposed ponds will provide sedimentation and water quality improvements while the roadway upgrades will provide a safety benefit to the general public.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine and riverine wetland ecosystem.
7. The amendment will avoid areas of archaeological concern and provide a sound barrier to adjacent properties.

**2002-01189**

**GENUALDO, SALVATORE**

**SANDOWN Manmade Pond**

Requested Action:

Dredge 32,031 sq.ft. of an existing previously permitted pond and dredge an additional 19,160 sq. ft. of forested wetland for pond expansion. Total impact is 51,191 sq. ft.

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APPROVE PERMIT:

Dredge 32,031 sq.ft. of an existing previously permitted pond and dredge an additional 19,160 sq. ft. of forested wetland for pond expansion. Total impact is 51,191 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by B.V. Pearson Associates, Inc. dated October 15, 2001 (last revised January 25, 2003), as received by the Department on February 5, 2003.
2. Construction phasing as detailed in "Phasing and Details Plan" dated January 25, 2003 shall be strictly adhered to in order to minimize the potential for downstream turbidity during construction.
3. Work shall be done during no or low flow between June and October as specified on the approved plans.
4. Construction areas shall be dewatered prior to commencement of dredging.
5. Dredged material shall be dewatered in sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
7. Prior to commencement of dewatering and dredging, existing native non-invasive aquatic plants shall be harvested and stockpiled for replanting within the new pond limits at the completion of the project.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The Department shall be notified 10 days prior to the commencement of construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01 since pond expansion opportunities are limited by site constraints such as slopes and existing septic and house.
3. The applicant has demonstrated that the pond expansion is necessary for their stated goal of maintaining a year round fish population.
4. The applicant has provided a detailed construction phasing plan that is designed to minimize potential downstream impacts during construction.
5. This project will serve to increase the habitat diversity of the overall habitat since a significant scrub/shrub and forested wetland system is immediately adjacent to this area.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. DES Staff conducted a field inspection of the proposed project on September 10, 2002.
8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

**2002-01268                      ENDICOTT GENERAL PARTNERSHIP, C/O NEWBURY NORTH DE  
GREENLAND    Unnamed Wetland**

Requested Action:

Fill a total of 61,150 sq. ft. of palustrine wetlands for roadway crossings at 13 locations for a 79-lot subdivision on 212 acres; and install 150 linear feet of stockade fence in wetlands. Approve as mitigation preservation of a total of 98.6 acres, consisting of 20.7 acres of upland and 77.9 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain.

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Conservation Commission/Staff Comments:  
Conservation Commission opposed.

Inspection Date: 08/13/2002 by Dori A Wiggin  
Inspection Date: 08/13/2002 by David A Price

APPROVE PERMIT:

Fill a total of 61,150 sq. ft. of palustrine wetlands for roadway crossings at 13 locations for a 79-lot subdivision on 212 acres. Approve as mitigation preservation of a total of 98.6 acres, consisting of 20.7 acres of upland and 77.9 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates PLLC dated 5/28/02, and 3/10/03 for driveway locations; as received by the Department on 6/12/02 and 3/18/03, respectively.
2. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
3. This permit is contingent on approval or sign off by the DES Dam Safety Program.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Contingent upon submission of restoration plans for areas in the natural buffer area of the conservation easement where wells are

proposed to be installed following any impacts as a result of well installation.

7. Restoration of temporary well installation impact areas shall have at least 75% successful establishment of buffer vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional vegetated buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.

8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau

10. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

12. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.

13. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.

14. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.

15. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.

16. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

20. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

21. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

#### Land Resources Preservation:

1. This permit is contingent upon demonstration by the applicant that the Greenland Conservation Commission (or other appropriate town or suitable entity) is willing to accept the conservation easement deeds.

2. This permit is contingent upon the execution of a conservation easement on 98.6 acres as depicted on plans received June 12, 2002.

3. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of the Land Resources Preservation section of this approval.

5. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval. 6. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.

7. Record Beals Associates PLLC plan dated 5/28/02 with conservation easement for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.

8. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve



as a baseline for future monitoring of the easement area.

9. The applicant shall submit seasonal monitoring reports monitoring the health of the vernal pool area over 5 years post-development to assure that the vernal pool is thriving with the 80' minimal buffer area.

10. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

11. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.

There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

12. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### Wetland construction:

1. This permit is contingent upon the creation of 24,829 sq. ft. of wetlands in accordance with plans received.

2. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.

3. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.

4. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.

5. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

6. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.

7. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

8. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

9. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.

10. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.

11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

#### With Findings:

1. This is a major project per Administrative Rule Wt 303.02(c), alteration of greater than 20,000 sq. ft. of wetlands.

2. DES conducted a public hearing for this project on November 7, 2002.

3. A significant portion of the impact, (37,150 sq. ft.) is necessary to provide the two accesses and internal connector road as required by the Town of Greenland in order to access buildable upland, and thereby meets the requirement of demonstrated need per Wt 302.01(b) and Wt 302.04(a)(1).

4. The remainder of the impacts are for roadway crossings to reach buildable upland also meet the requirements of Rules Wt 302.01(b) and Wt 302.04(a)(1); and those crossings are designed to avoid and minimize impacts to the wetlands by crossing at the least impacting locations, meeting the requirements of Wt 302.03 and Wt 302.04(a)(2).
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) has been considered in the design of this application.
6. Concerns raised relative to the protection of water quality, including stormwater treatment, the increase in drainage from impervious surface from rooftops and driveways, have been addressed through the DES Water Quality Engineering review process.
7. DES finds that the specific wetlands impact requested for road crossings herein will not negatively impact ground water, aquifer protection or well water quantity. Concerns raised relative to the overall subdivision's effect on these elements are beyond the scope of the wetlands application.
8. The proposed wetlands compensatory mitigation is consistent within the range of mitigation proposals currently accepted by DES policy, and also meets and exceeds the minimum requirements being proposed by DES in the draft mitigation rules.
9. With respect to the opposition of the abutters whose properties abut the 50' right of way off September Drive, DES has determined that the appropriate abutter setback requirement is the one that existed at the time of the approval of the original September Drive subdivision and the associated right of way in 1986. The abutter setback at that time was 10 feet from a property line per then-existing Rule Wt 304.04. The access road and its associated work (underground electric) as shown on the plans meets this 10 foot setback.
10. Effects to Great Bay as a result of this road crossings permitted for this application are expected to be indiscernible to non-existent, based on the fact that the record shows that surface water confluence with Great Bay, by virtue of Norton Brook to the Winnicut River, is over 8.5 miles away, providing significant opportunity for flood flow alteration and nutrient retention and transformation well upstream.
11. Restoration of the wetland violation areas and penalty assessment for unauthorized activity on this property will be pursued by DES enforcement under separate cover.
12. Since the project road comes within 80 feet of the vernal pool, rather than the 300 ft. generally preferred buffer, its health shall be protected by monitoring as described in conditions.
13. Department of Resources and Economic Development Natural Heritage Inventory reported the potential presence of Blandings turtle and spotted turtle in the project vicinity. On January 7, 2003 DES received a letter from John Kanter, NH Fish and Game Department Nongame and Endangered Species Coordinator, which stated that, although there are certain aspects of the habitat of these turtles on the project site, there is no nesting habitat present, and that the current mitigation measures minimize potential impacts to these species.
14. The stockade fence proposed to be constructed in wetlands is not approvable as natural vegetated buffers present reasonable alternatives. Further DES has exercised enforcement action to require the removal of fences, berms, for screening purposes in wetlands.

**2002-01558                      NASHUA, CITY OF**  
**NASHUA**

**Requested Action:**

Construct an 8 ft.X 75 ft. timber boardwalk in a floodplain wetland; construct two 17 ft.X 17 ft. overlook decks and make improvements to the existing boat landing, all located at Mine Falls Park, in or adjacent to designated prime wetlands of the Nashua River.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Prime wetlands public hearing held February 7, 2003 was attended by the Nashua Conservation Commission which recommended approval of the application.

**APPROVE PERMIT:**

Construct an 8 ft.X 75 ft. timber boardwalk in a floodplain wetland; construct two 17 ft.X 17 ft. overlook decks and make improvements to the existing boat landing, all located at Mine Falls Park, in or adjacent to designated prime wetlands of the Nashua River.

**With Conditions:**

1. All work shall be in accordance with plans by Weston & Sampson Engineers, Inc. dated July 9, 2002, as received by the Department on August 14, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on January 10, 2003. Field inspection determined the proposed improvements at Mine Falls Park will have no adverse impacts on the designated prime wetlands of the Nashua River.
5. The prime wetlands public hearing was held February 7, 2003.

**2002-01736                      BERTHOLET JR, RAYMOND**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Construct two 4 ft by 30 ft piling piers connected by a 4 ft by 12 ft walkway in a "U" configuration, accessed by a 4 ft by 50 ft piling supported walkway, install 2 tie off piles and 4 three piling ice clusters, dredge 9 cy of rock from 1933 sqft of lakebed, and construct a 50 ft linear ft of retaining wall with 6 ft wide stair around a 30 ft X 20 ft beach on an average of 178 ft of frontage on Lake Winnepesaukee, Laconia.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns except for the dock length.

Inspection Date: 02/12/2003 by Dale R Keirstead

APPROVE PERMIT:

Construct two 4 ft by 30 ft piling piers connected by a 4 ft by 12 ft walkway in a "U" configuration, accessed by a 4 ft by 50 ft piling supported walkway, install 2 tie off piles and 4 three piling ice clusters, dredge 9 cy of rock from 1933 sqft of lakebed, and construct a 50 ft linear ft of retaining wall with 6 ft wide stair around a 30 ft X 20 ft beach on an average of 178 ft of frontage on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 1, 2002, revision date February 25, 2003, as received by the Department on February 28, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.

6. The minimum clear spacing between pile bents shall be 12 feet.
7. The docking structure shall not extend more than 75 ft lakeward of full lake, Elevation 504.32.
8. This permit does not allow for any work within the 20 ft setback to the abutter.
9. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
10. Repairs shall maintain existing size, location and configuration.
11. This permit does not allow for any canopies over the boatslips.
12. Turbidity controls shall be installed prior to dredge, shall be maintained during dredge such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. This permit does not allow for any dredging of any rocks outside of the dredge footprint submitted by the agent.
14. This permit only allows for removal of rocks in the dredge area with less than 3 ft of depth over the rock as measured at full lake, Elevation 504.32.
15. This permit does not allow for any dredge of the lake bottom, only those rocks which are resting on the lake bottom.
16. All rocks removed from the lake bottom shall be disposed of outside any areas that are within DES jurisdiction.
17. This permit does not allow for any new sand for beach replenishment.
18. All excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
19. The existing shoreline at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
20. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
21. This permit does not allow for any impacts to the existing wetlands on site.
22. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(m) and RSA 482-A:11:V.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived based a field inspection by DES Staff conducted on February 12, 2003 with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. This project is adjacent to a similar project on the abutting property owned by the same individual. Per RSA 482-A:11,V, the project is classified as a major project and thus needs Governor and Council approval.
7. The applicant has an average of 178 feet of frontage along Lake Winnepesaukee.
8. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
9. The proposed docking facility will provide 3 slips as defined per RSA 482-A, Boatslip, and therefore meets Rule Wt 402.14.
10. The New Hampshire NHI has submitted information to the file stating the project will not have any adverse affects on sensitive species.

-Send to Governor and Executive Council-

**2002-01737                      BERTHOLET JR, RAYMOND**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Construct two 4 ft by 30 ft piling piers connected by a 5 ft by 12 ft walkway in a "U" shaped configuration, accessed by a 6 ft by 27 ft piling supported walkway, install 2 tie off piles and 4 three piling ice clusters, dredge 9 cy of existing rock from 2184 sqft of lakebed, and construct 50 linear ft retaining wall with a 6 ft wide access stairway to construct a 30 ft by 20 ft beach on an average of 325 feet of frontage Lake Winnepesaukee, Laconia.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has concerns about stump removal, water depth in the breakwater area, and sand migration patterns and sand migration into the Weirs channel.

Inspection Date: 02/12/2003 by Dale R Keirstead

APPROVE PERMIT:

Construct two 4 ft by 30 ft piling piers connected by a 5 ft by 12 ft walkway in a "U" shaped configuration, accessed by a 6 ft by 27 ft piling supported walkway, install 2 tie off piles and 4 three piling ice clusters, dredge 9 cy of existing rock from 2184 sqft of lakebed, and construct 50 linear ft retaining wall with a 6 ft wide access stairway to construct a 30 ft by 20 ft beach on an average of 325 feet of frontage Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 1, 2002, revision date February 25, 2003, as received by the Department on February 28, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
6. This permit does not allow for the removal of any stumps on the frontage in any manner inconsistent with RSA 483-B.
7. The minimum clear spacing between pile bents shall be 12 feet.
8. The docking structure shall not extend more than 55 ft lakeward of full lake, Elevation 504.32.
9. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
10. Repairs shall maintain existing size, location and configuration.
11. This permit does not allow for any canopies over the boatslips.
12. Turbidity controls shall be installed prior to dredge, shall be maintained during dredge such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. This permit does not allow for any dredging of any rocks outside of the dredge footprint submitted by the agent.
14. This permit only allows for removal of rocks in the dredge area with less than 3 ft of water depth over the rock as measured at full lake, Elevation 504.32.
15. This permit does not allow for any dredge of the lake bottom, only those rocks which are resting on the lake bottom.
16. All rocks removed from the lake bottom shall be disposed of outside any areas that are within DES jurisdiction.
17. This permit does not allow for any new sand for beach replenishment.
18. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
19. The existing shoreline at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
20. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
21. This permit does not allow for any impacts to the existing wetlands on site.
22. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(m) and RSA 482-A:11:V.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived based on a field inspection conducted by DES staff on February 12, 2003 with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. This project is adjacent to a similar project on the abutting property owned by the same individual. Per RSA 482-A:11,V, the project is classified as a major project and thus needs Governor and Council approval.
7. The applicant has an average of 325 feet of frontage along Lake Winnepesaukee.
8. A maximum of 5 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
9. The proposed docking facility will provide 3 slips as defined per RSA 482-A, Boatslip, and therefore meets Rule Wt 402.14.
10. The New Hampshire NHI has submitted information to the file stating the project will not have any adverse affects on sensitive species.

-Send to Governor and Executive Council-

**2002-02272                      BAE SYSTEMS INFO & ELEC SYSTEM INTEGRATION, INC**  
**NASHUA   Nashua River**

Requested Action:

Dredge, fill and/or alter terrain on 1,259 sq. ft. of property located in or adjacent to the designated prime wetlands of the Nashua River for maintenance and repair work on existing structures including: 1)removal of two (2) concrete pads 2)replace trench for parking lot drainage 3)repair/control erosion from roof runoff, and 4)repair river water intake structure for fire pumps.

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Conservation Commission/Staff Comments:

Prime wetland public hearing held February 7, 2003.

The project was recommended for approval at the October 1, 2002 meeting of the Nashua Conservation Commission.

APPROVE PERMIT:

Dredge, fill and/or alter terrain on 1,259 sq. ft. of property located in or adjacent to the designated prime wetlands of the Nashua River for maintenance and repair work on existing structures including: 1)removal of two (2) concrete pads 2)replace trench for parking lot drainage 3)repair/control erosion from roof runoff, and 4)repair river water intake structure for fire pumps.

With Conditions:

1. All work shall be in accordance with plans by Aries Engineering, Inc. dated September 2002, BAE Systems dated 08-13-02 and Comprehensive Environmental, Inc. dated Jan. 1, 2002 & Sept. 9, 2002, all received by the Department on October 11, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Repairs shall maintain existing size, location and configuration.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application

Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on January 10, 2003. Field inspection determined this project will not have significant adverse impact on the designated prime wetlands of the Nashua River.

6. The prime wetlands public hearing was held February 7, 2003.

**2002-02640 SHUMWAY, CHRISTOPHER & ANN MARIE  
GILFORD Lake Winnepesaukee**

**Requested Action:**

Construct a 6 ft x 40 ft seasonal pier hinged to a 4 ft x 6 ft concrete pad recessed into the bank on an average of 332 ft of frontage on Mink Island, Lake Winnepesaukee.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con. Com signed and has no objections

**APPROVE PERMIT:**

Construct a 6 ft x 40 ft seasonal pier hinged to a 4 ft x 6 ft concrete pad recessed into the bank on an average of 332 ft of frontage on Mink Island, Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated June 21, 2002, as received by the Department on December 9, 2002.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. No work or alteration is permitted to the existing 30 ft beach or the two existing 6 ft x 40 ft hinged piers and 6 ft x 11 ft 11 in seasonal walkway
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All portions of these structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
7. All seasonal piers shall be removed for the non-boating season.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that the "existing structures" were not constructed as previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 332 feet of frontage along Lake Winnepesaukee.
3. A maximum of 5 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The existing and proposed docking facilities will provide a total of 5 slips as defined per RSA 482-A:2 Boat slip, and therefore meets Rule Wt 402.14.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. Public hearing is waived based on field inspection, by NH DES staff, on February 6, 2003, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2002-02741                      O'HALLORAN, MARK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Fill 880 sq ft to construct 50 linear ft of breakwater, in a dogleg configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 6 ft x 12 ft walkway accessed by a 6 ft x 7 ft walkway and 6 ft x 14 ft stairs with one tie-off piling and two 3-piling ice clusters on an average of 100 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed

DENY PERMIT:

Fill 880 sq ft to construct 50 linear ft of breakwater, in a dogleg configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 6 ft x 12 ft walkway accessed by a 6 ft x 7 ft walkway and 6 ft x 14 ft stairs with one tie-off piling and two 3-piling ice clusters on an average of 100 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

With Findings:

Standards for Approval

1. In accordance with Rule Wt 302.01(b), Statement of Purpose, need shall be demonstrated by the applicant prior to the approval of any alteration of non-tidal wetlands.
2. In accordance with Rule Wt 302.04(d)(3), Requirements for Application Evaluation, the Department shall not grant a permit if the proposed impact is unnecessary.
3. In accordance with Rule Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall document the need for the proposed impacts.
4. In accordance with Rule Wt 302.04(d)(5), Requirements for Application Evaluation, the Department shall not grant a permit if the applicant has failed to document consideration of the factors in Rule Wt 302.04(a).
5. In accordance with Rule Wt 501.02(d), Additional Data, applications shall be denied if they do not include the information required in these rules or RSA 482-A.
6. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.

Findings of Fact

7. On December 30, 2002, the Wetlands Bureau received an application for fill in public waters, on the lot identified as Alton tax map 76, lot 60, for the construction of a 50 ft breakwater with U-shaped docking structure and two ice clusters.
8. The Department requested the removal of the ice clusters from the applicant's proposed plan as unnecessary.
9. The applicant states that the ice clusters are necessary to protect the docking structure from potential damage due to ice.
10. The applicant has cited the existence of docks on Rattlesnake Island which are damaged annually because of a lack of ice protection clusters as proof of need.
11. The applicant has submitted no evidence of the damaged docks on Rattlesnake Island.
12. The applicant states that 3 sq ft of impact is less impacting than annual repair due to ice damage.
13. The applicant did not remove the ice clusters from the proposed plan as requested by the Department.

Rulings in Support of the Decision

14. The applicant has refused to provide an updated plan as requested by the Department showing the removal of the ice clusters.
15. The applicant has failed to provide evidence of the need for the ice clusters in the proposed location, and therefore, the project shall be denied in accordance with Rules Wt 302.04(d)(5) and Wt 501.02(d).



**2003-00019                      NASHUA, CITY OF**  
**NASHUA   Nashua River**

Requested Action:

Dredge and fill 154 sq. ft. in the embankment to install a new storm water drainage outfall with stone rip-rap erosion protection, as part of the municipal sewer rehabilitation program for sewer/storm water separation, in/or adjacent to the designated prime wetlands of the Nashua River.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Nashua Conservation Commission was represented at the prime wetlands public hearing held February 2, 2003 . No testimony was presented in opposition to the project.

APPROVE PERMIT:

Dredge and fill 154 sq. ft. in the embankment to install a new storm water drainage outfall with stone rip-rap erosion protection, as part of the municipal sewer rehabilitation program for sewer/storm water separation, in/or adjacent to the designated prime wetlands of the Nashua River.

With Conditions:

1. All work shall be in accordance with plans by Camp Dresser & McKee, Inc. dated 05-Aug-2002, as received by the Department on January 06, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The applicant shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources (the granite block retaining wall).
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on January 10, 2003. Field inspection determined this project will not have a significant adverse impact on the designated prime wetlands of the Nashua River.
5. The prime wetlands public hearing was held February 7, 2003.

**MINOR IMPACT PROJECT**

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**2000-02432                      OSSIPEE, TOWN OF**  
**OSSIPEE   Pine River**

Requested Action:

Amend permit to include 3,571 square feet of temporary impact within the bed and banks of the Pine River to install a temporary

one-lane bridge (aka Bailey bridge) that will span the river and allow vehicular access during the repair of the Granite Road bridge.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter dated 11/7/00, The Ossipee Conservation Commission requested delay of the application for further investigation.

Inspection Date: 03/07/2003 by Jared A Teutsch

APPROVE AMENDMENT:

Amend permit to read: dredge and fill 2,354 square feet and temporarily impact 3,571 square feet within the bed and banks of the Pine River (impacting approximately 340 linear feet) to remove the existing structurally deficient bridge and replace with a new pre-cast concrete bridge on Granite Road, and to install a temporary one-lane bridge (aka Bailey bridge) downstream of the construction site for maintaining vehicular access.

With Conditions:

1. All work shall be in accordance with revised plans by Holden Transportation Engineering dated 2/07/03, as received by the Department on 2/26/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work within the bed of Pine River shall be done during low flow conditions and during the months of May through September. No in stream work shall occur after October 1 unless a waiver of this condition is issued from the DES Wetlands Bureau.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
6. Cofferdams shall enclose each section of the substructure located in surface waters before commencement of work.
7. Cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. A qualified professional such as professional engineer or environmental scientist shall monitor in-stream construction to insure that state water quality standards for turbidity are met.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

With Findings:

1. The project is classified as a Major Project per Rule Wt 303.02(i), as the impacts are greater than 200 linear feet within the bed and banks of Pine River.
2. The proposed project is necessary as the existing bridge has deteriorated to the extent that the NHDOT Bridge Inspection Report reveals "poor to fair" condition ratings for the substructure and superstructure.
3. The proposed bridge replacement will remove the existing abutments and move the proposed new abutments and wingwall extensions further back from the rivers edge to reduce the overall impacts.
4. The temporary Bailey bridge will allow emergency vehicles to bypass the construction site during the close of the Granite Road bridge.
5. The bridge replacement on Granite Road will meet the community needs as well as remove the flow restrictions of the old bridge

abutments on the Pine River.

6. DES inspected the site on 3/7/03 and found that the additional impacts associated with installing a Bailey bridge will not significantly impact the river, and that the Granite Road bridge is in poor condition.

7. Public hearing is waived with the finding that the project will not significantly impact the resources of the Pine River, and the bridge will be replaced in the interest of public safety.

**2002-00945                      NH DEPT OF TRANSPORTATION**  
**NORTHWOOD   Northwood Lake**

**Requested Action:**

Impact 6,130 sq. ft. of palustrine and riverine wetlands (3,640 sq. ft. temporary) to extend a 15 in. culvert, rip rap an existing outlet, widen shoulders, flatten slopes, and remove 625 sq. ft. of Phragmites.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 6,130 sq. ft. of palustrine and riverine wetlands (3,640 sq. ft. temporary) to extend a 15 in. culvert, rip rap an existing outlet, widen shoulders, flatten slopes, and remove 625 sq. ft. of Phragmites. NHDOT project #13286.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 02/19/02, as received by the Department on May 9, 2002.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. Wetland soils from areas vegetated with purple loosestrife and/or Phragmites shall be properly disposed of.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of nontidal wetlands or surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-01000                      PARKER, JOHN JACKSON**  
**ALTON   Lake Winnepesaukee**

Requested Action:

The applicant requests to add two 3 piling ice clusters and two tie off pilings.

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Conservation Commission/Staff Comments:

Con Com has no objections

DENY AMENDMENT:

Deny request to amend permit to add two 3 piling ice clusters and two tie off pilings to a "U" shaped docking structure consisting of two 6 ft by 30 ft permanent piling docks connected by a 4 ft by 11 ft 11 in walkway on Lake Winnepesaukee, Alton.

With Findings:

Standards for Approval

1. This is a Minor Impact Project per NH Code of Administrative Rule Wt 303.03(d).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of non-tidal wetlands per Rule Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. In accordance with Rule Wt 302.04(d),(5), the department shall not grant permit if the applicant fails to provide address the requirements of Rule Wt 302.03.

Finding of Fact

6. The request for amendment received by the department on March 14, 2003 included no evidence of need for the additional structures.

Ruling in Support of the Decision

7. The applicant has failed to address Rule Wt 302.03 and therefore, is denied in accordance with Rule Wt 302.04(d),(5).

**2002-01077                      NH DEPT OF TRANSPORTATION**  
**EPSOM   Cass Pond**

Requested Action:

Impact 10,097 sq. ft. of palustrine and riverine wetlands (6,045 sq. ft. temporary) to widen shoulders, flatten slopes, extend three 24 in. culverts, a 30 in. culvert, two 15 in. culverts, add rip rap at inlets and outlets, and provide a stone outlet swale to reduce sediment to wetlands.

\*\*\*\*\*

APPROVE PERMIT:

Impact 10,097 sq. ft. of palustrine and riverine wetlands (6,045 sq. ft. temporary) to widen shoulders, flatten slopes, extend three 24 in. culverts, a 30 in. culvert, two 15 in. culverts, add rip rap at inlets and outlets, and provide a stone outlet swale to reduce sediment to wetlands. NHDOT project #13286.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 02/19/02, as received by the Department on May 21, 2002.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. Wetland soils from areas vegetated with purple loosestrife and/or Phragmites shall be properly disposed of.
15. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of nontidal wetlands or surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-02389                      WINDWARD REALTY GROUP LLC**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Remove 1 rock, and construct two 6 ft x 25 ft seasonal piers connected by two 6 ft x 11 ft seasonal walkways accessed by a 4 ft x 6 ft seasonal walkway in a "Y" configuration accessed by a 5 ft x 6 ft stairway and construct a 14 ft x 18 ft perched beach with two 1 ft x 6 ft steps accessing the water on an average of 161 ft of frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

No USGS map. Scrap of tax map is inadequate for digitizing.

APPROVE PERMIT:

Remove 1 rock, and construct two 6 ft x 25 ft seasonal piers connected by two 6 ft x 11 ft seasonal walkways accessed by a 4 ft x 6 ft seasonal walkway in a "Y" configuration accessed by a 5 ft x 6 ft stairway and construct a 14 ft x 18 ft perched beach with two 1 ft x 6 ft steps accessing the water on an average of 161 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 7, 2003, as received by the Department on March 10, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. All dredged and excavated material shall be placed outside of any area that is within the jurisdiction of the DES Wetlands Bureau
6. No portion of the pier shall extend more than 45 feet from the shoreline at full lake elevation.
7. Seasonal piers shall be removed for the non-boating season.
8. The department shall amend this approval to allow for a permanent dock, at such time during the life of the permit, that the applicant submits evidence that the seasonal pier will not provide safe docking on the frontage. Failure to provide such evidence during the life of the permit shall not prejudice the department against future applications.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. Rocks removed from the lakebed shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. No rocks shall be dredged or deposited within 20 ft of an abutting property line extension of that line into the water.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d)(3), construction of a docking system that exceeds the design and construction criteria set out in Rule Wt 402.01.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-02460                      TEIXEIRA 1996 TRUST, PAUL**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Approve name change to: Jane A. Teixeira 1996 Trust, 162 Virginia Ave., Attleboro Falls, Ma 02763 per request received 3/18/03.

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Conservation Commission/Staff Comments:

The conservation commission does not feel a permanent dock is warranted.

APPROVE NAME CHANGE:

Construct a 6 ft x 24 ft piling supported wharf with two 6 ft x 48 ft piling supported docks placed 12 ft apart and accessed by a 6 ft wide stairway with a 3 ft landing above the bank on an average of 301.5 ft of frontage on Long Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated October 23, 2002, as received by the Department on November 4, 2002.
2. Existing damaged dock shall be removed completely from jurisdiction prior to construction of the new facility.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. No portion of the pier shall extend more than 48 feet from the shoreline at full lake elevation.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. Work shall be done during drawdown.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2002-02598                      BLACK CAT ISLAND CIVIC ASSOCIATION, C/O JAMES NEVI  
MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repair existing rip rap around the base of the supporting bridge pilings by adding 30 cy of rip rap in 6 sqft, Black Cat Island, Moultonboro.

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Conservation Commission/Staff Comments:

Con Com recommends ice cluster instead of rip-rap.

APPROVE PERMIT:

Repair existing rip rap around the base of the supporting bridge pilings by adding 30 cy of rip rap in 6 sqft, Black Cat Island, Moultonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction, dated November 20, 2002, as received by the Department on December 2, 2002.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
5. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.

6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has submitted information stating that a piling cluster would not work due to the depth of the water.

**2002-02601                      RIVER ROAD TRUST**  
**WILTON   Tannery Brook Dam/frog Pond Dam**

Requested Action:

Impact 3,725 square feet within the bed and banks of Tannery Brook to remove an existing degraded dam (Tannery Brook Dam #254.21) and restore the brook's natural free-flowing condition. Additional areas will be restored by seeding all exposed soils within the bed of the pond with a wetland seed mix, and by installing shrubs along the banks of the proposed channel to improve riparian characteristics.

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APPROVE PERMIT:

Impact 3,725 square feet within the bed and banks of Tannery Brook to remove an existing degraded dam (Tannery Brook Dam #254.21) and restore the brook's natural free-flowing condition. Additional areas will be restored by seeding all exposed soils within the bed of the pond with a wetland seed mix, and by installing shrubs along the banks of the proposed channel to improve riparian characteristics.

With Conditions:

1. All work shall be in accordance with revised plans by Meridian Land Services, Inc. dated 2/24/03, as received by the Wetlands Bureau on 2/25/03 ("the approved plans").
2. The construction sequence and erosion control plan as specified on the approved plans is hereby incorporated into these permit conditions by reference. This sequence and plan may be amended only upon further review and written approval by the DES Wetlands Bureau.
3. This permit is contingent on approval from DES Dam Safety Program.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during annual low flow and drawdown conditions and during the months of May through September.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. Temporary cofferdams shall be entirely removed upon completion of construction.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.



With Findings:

1. This project is classified as a Minor Project per Rule Wt 303.03(h), as it involves impacts to the banks and bed of Tannery Brook.
2. The purpose of this project is to remove a degraded concrete dam which inhibits the natural flow of the brook.
3. The project, as approved and conditioned, has met the intent of Rule Wt 302.03 regarding the avoidance and minimization of wetland impacts.
4. In accordance with the NH Programmatic General Permit by the Army Corps of Engineers, applicants with minor or major impact projects require coordination with the NH State Historical Preservation Officer (SHPO). DES finds that the applicant has initiated contact with the SHPO to coordinate their review.

**2003-00141                      BITSACK, DIANE/NED  
GILFORD Lake Winnepesaukee**

Requested Action:

Excavate 286 sq ft to construct a 12 ft x 20 ft perched beach surrounded by 1 ft wide stone wall with nine 1 ft x 4 ft stone steps recessed into the bank accessing the water, and repair existing 43 ft 6 in breakwater by resetting existing dislodged rocks on an average of 150 ft of frontage on Governors Island, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

The Gilford Conservation Commission signed this Minimum Impact Expedited Permit application. Application reclassified as a Minor.

APPROVE PERMIT:

Excavate 286 sq ft to construct a 12 ft x 20 ft perched beach surrounded by 1 ft wide stone wall with nine 1 ft x 4 ft stone steps recessed into the bank accessing the water, and repair existing 43 ft 6 in breakwater by resetting existing dislodged rocks on an average of 150 ft of frontage on Governors Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated December 2, 2002, as received by the Department on January 27, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of rock, gravel, sand, mud or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00200                      DANVILLE, TOWN OF**  
**DANVILLE   Exeter River**

Requested Action:

Permanently impact approximately 420 square feet (77 linear feet) of the bed and banks of the Exeter River to replace a deteriorating 8-foot diameter corrugated metal culvert and dry-laid stone headwalls with two 8-foot high x 10-foot wide x 27-foot long concrete box culverts and concrete wingwalls. Temporarily impact approximately 2250 square feet (44 linear feet) of the bed of the Exeter River to install temporary erosion and turbidity controls and water diversion structures.

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Conservation Commission/Staff Comments:

No comments received from the Danville Conservation Commission.

APPROVE PERMIT:

Permanently impact approximately 420 square feet (77 linear feet) of the bed and banks of the Exeter River to replace a deteriorating 8-foot diameter corrugated metal culvert and dry-laid stone headwalls with two 8-foot high x 10-foot wide x 27-foot long concrete box culverts and concrete wingwalls. Temporarily impact approximately 2250 square feet (44 linear feet) of the bed of the Exeter River to install temporary erosion and turbidity controls and water diversion structures.

With Conditions:

1. All work shall be in accordance with the Wetland Permit Plan by SEA Consultants Inc. dated December 2002, as received by the Department on March 3, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The permittee shall submit a final erosion, siltation and turbidity control plan, including stream dewatering details, to the DES Wetlands Bureau for review and approval prior to construction.
4. All work outside of the Town of Danville Right-of-Way that is within the jurisdiction of the DES Wetlands Bureau shall require written consent from each affected property owner. Written consent from each affected property owner shall be submitted to the DES Wetlands Bureau prior to construction.
5. No machinery shall enter the water.
6. Work shall be conducted during low flow conditions.
7. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

14. At least 6 inches of excavated channel material shall be placed along the bottom of the box culvert to replicate existing channel conditions.

15. Dredged material not placed along the bottom of the box culvert shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

16. Precautions shall be taken within riparian areas to limit removal of vegetation during construction, and areas cleared of vegetation shall be replanted with like native species within three days of completion of project activities.

17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

18. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Rule Wt 303.03(l), as the project will disturb less than 200 linear feet of the bed and banks of a river.

2. An inspection report by the NH Department of Transportation dated October 13, 1998 stated that the existing corrugated metal culvert, which was installed in 1953, is heavily rusted.

3. Replacement of the existing deteriorating culvert with a concrete box culvert with a larger hydraulic opening will improve public safety and reduce flooding of Sandown Road.

4. The need for proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.

5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

7. In an email communication to the applicant's authorized agent, Gloria Andrews of SEA Consultants Inc., dated March 3, 2003 the NH Fish & Game Department indicated that it has no concerns with the project.

8. The DES Wetlands Bureau received no project-related comments from the Danville Conservation Commission nor the Exeter River Local Advisory Committee.

**2003-00209                      DEERFIELD PILGRIM CONSTRUCTION CO LLC, DAVID CASSA**  
**NORTHWOOD   Unnamed Stream Shelburne Brook/bow Lake**

Requested Action:

Dredge and fill 136 sq. ft. in the embankments and along 17 linear feet of the flow channel of Sherburne Brook to install footings and a free-span concrete bridge to provide access to an 8-lot residential subdivision on a 40.54 acre parcel of land with 18 acres of dedicated open space.

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Conservation Commission/Staff Comments:

No comments received.

APPROVE AFTER THE FACT:

Dredge and fill 136 sq. ft. in the embankments and along 17 linear feet of the flow channel of Sherburne Brook to install footings and a free-span concrete bridge to provide access to an 8-lot residential subdivision on a 40.54 acre parcel of land with 18 acres of dedicated open space.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated Feb. 2002 (revised Feb. 2003), as received by the Department on February 24, 2003.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 01/31/2003. Field inspection determined the project is reasonable and will be considered for after-the-fact approval to install a free-span bridge.

**MINIMUM IMPACT PROJECT**

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**2002-01174                      RONDO REV TRUST, RICHARD & JOANNE**  
**WEST CHESTERFIELD   Connecticut River**

Requested Action:

Construct a 6 ft x 22 ft seasonal floating dock hinged to a 4 ft x 16 ft seasonal walkway connected to a 4 ft x 5 ft seasonal pier on the shoreline, attached to a 4 ft x 12 ft seasonal walkway on an average of 671 ft of frontage on the Connecticut River.

\*\*\*\*\*

APPROVE PERMIT:

Construct a 6 ft x 22 ft seasonal floating dock hinged to a 4 ft x 16 ft seasonal walkway connected to a 4 ft x 5 ft seasonal pier on the shoreline, attached to a 4 ft x 12 ft seasonal walkway on an average of 671 ft of frontage on the Connecticut River.

With Conditions:

1. All work shall be in accordance with plans by Richard Rondo dated March 10, 2003, as received by the Department on March 10, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. The seasonal pier shall be removed from the water for the non-boating season.
5. No portion of the pier shall extend more than 30 feet into the river from the waterline.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal pier with no more than two

boat slips.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-01780                      MUNROE, STEVEN**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Excavate 491 sqft adjacent to a previously disturbed area to construct a 22 ft x 17 ft perched beach on 165 ft of frontage on Lake Winnepesaukee, Moultonboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Excavate 491 sqft adjacent to a previously disturbed area to construct a 22 ft x 17 ft perched beach on 165 ft of frontage on Lake Winnepesaukee, Moultonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 12, 2003, as received by the Department on March 10, 2003.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32).
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
11. The existing breakwater shall be brought into compliance with existing permits and current rules during the next required maintenance or repair.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d).
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
3. The existing breakwater shall be brought into compliance with existing permits and current rules during the next required maintenance or repair.

**2002-02079                      THORMAN, RICHARD**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repair an existing 10 ft x 16 ft deck on an average of 100 ft of frontage on Ash Cove, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not approve as is; cannot expand

Applicant amended application for just repair in-kind

APPROVE PERMIT:

Repair an existing 10 ft x 16 ft deck on an average of 100 ft of frontage on Ash Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Richard Thorman dated March 10, 2003, as received by the Department on March 12, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Repairs shall maintain the existing size, location and configuration of the deck and existing 4 ft x 20 ft seasonal pier.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. The seasonal pier shall be removed for the non-boating season.
10. This permit does not allow for maintenance dredging.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. No permit is required for the repair or replacement of the seasonal dock sections provided there is no change in the size location or configuration of the structures.

2002-02332

ALTON BAY CAMPMEETING ASSOC

ALTON Lake Winnepesaukee

Requested Action:

Repair 4 existing seasonal docking structures, each consisting of a seasonal 4 ft by 70 ft dock with 6 attached seasonal 4 ft by 18 ft finger docks in Rand Cove, Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No USGS map. Digitized form tax map.

Con Com is concerned the slips will be made longer and wider. Is it still grandfathered??

APPROVE PERMIT:

Repair 4 existing seasonal docking structures, each consisting of a seasonal 4 ft by 70 ft dock with 6 attached seasonal 4 ft by 18 ft finger docks in Rand Cove, Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on February 11, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. The seasonal piers shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 70 feet from the shoreline at full lake elevation.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The proposed repairs are to the same dimensions as previously approved by Governor and Council April 5, 1973.

**2003-00039                      LANDMARK LAND SERVICES**  
**CORNISH Mill Brook**

Requested Action:

Dredge and fill 2381 sq ft of forested wetland encompassing the footprint of the preexisting woods road, and construct a timber bridge over a perennial stream for access to a single family building lot.

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Conservation Commission/Staff Comments:

The conservation commission is concerned with the stabilization and seed mixes to be used. However, after revisions to the plans they have no great concerns with the overall project. The applicant has agreed to continue working with the conservation commission to see that the site is stabilized within an appropriate timeframe and with acceptable species.

APPROVE PERMIT:

Dredge and fill 2381 sq ft of forested wetland encompassing the footprint of the preexisting woods road, and construct a timber bridge over a perennial stream for access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services LLC dated February 2003, as received by the Department on March 3, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. All slopes shall be stabilized using straw and noninvasive species.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f) projects involving alteration of less than 3000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00198                      KELLEHER, JOHN**  
**MILTON   Milton Three Ponds**

Requested Action:

Remove existing 14 ft x 16 ft deck to construct an 18 ft x 18 ft perched beach with a 1 ft wide perimeter wall on the shoreline, and construct a 13 ft x 24 ft terrace on an average of 92 feet of frontage on Milton Three Ponds in Milton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

applicant submitted same application as 2002-01769, which was denied

DENY PERMIT:

Remove existing 14 ft x 16 ft deck to construct an 18 ft x 18 ft perched beach with a 1 ft wide perimeter wall on the shoreline, and construct a 13 ft x 24 ft terrace on an average of 92 feet of frontage on Milton Three Ponds in Milton.

With Findings:

Standards for Approval

1. In accordance with Rule Wt 101.05, beach, means a sloping shore of a surface water body consisting of sand or gravel extending from adjacent upland/wetland to or in a surface water body.
2. In accordance with RSA 483-B:3, Consistency Required, the Wetlands Bureau is prohibited from issuing a permit which is inconsistent with the intent of the Comprehensive Shoreline Protection Act (CSPA) or inconsistent with the rules of the Shoreland Program.
3. In accordance with the CSPA and Administrative Rule Env-Ws 1405.05, no structure shall be built on a slope greater than 25 percent.
4. In accordance with Administrative Rule Wt 101.78, a structure is something installed, erected or constructed. Structure(s) are to include, but are not limited to the following: fence, dock, breakwater, wall, and beach.
5. According to Administrative Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.



#### Findings of Fact

6. On February 3, 2003, the DES Wetlands Bureau received an application for construction of a perched beach and a walk-out terrace on property located on Town of Milton Tax Map 33, Lot 69, having approximately 90.2 feet of shoreline frontage on Milton Three Ponds.
7. The proposed beach is located on an average slope of 38 percent.
8. The proposed terrace is located on an average slope of 38 percent.
9. The applicant previously submitted the same application for the same project and was denied September 30, 2002. The applicant applied for a reconsideration and was denied January 7, 2003.

#### Findings in Support of Decision

10. The applicant has failed to provide evidence of the least impacting alternative as required per Rule Wt 302.04(a).
11. The applicant has failed to meet the requirements of Administrative Rule Wt 501.02(b), which states, applications shall be denied if they do not include the information required in the rules or RSA 482-A.
12. The applicant has failed to meet the rules for proposed beach construction requirements established under RSA chapters 482-A and 483-B and therefore, the application shall be denied.

**2003-00205                      PERRY, ROBERT & ANNE**  
**LONDONDERRY   Unnamed Wetland**

#### Requested Action:

Dredge and fill 1,790 sq. ft. of palustrine scrub-shrub wetlands to install a catchbasin to improve drainage and provide access to adjacent uplands.

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#### Conservation Commission/Staff Comments:

The Londonderry Conservation Commission recommends approval of the application.

#### APPROVE PERMIT:

Dredge and fill 1,790 sq. ft. of palustrine scrub-shrub wetlands to install a catchbasin to improve drainage and provide access to adjacent uplands.

#### With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. project no. 51008, as received by the Department on January 31, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. NOTE: This permit supersedes the 12/12/2001 amendment to NH DES Wetlands Permit #1999-02132 to: "dredge and fill an additional 1,006 sq. ft. for the widening of Gilcreast Road to accommodate increased traffic flows."

**2003-00327                      PEABODY, JOEL & CHRISTINE**  
**FRANCONIA   Unnamed Wetland**

#### Requested Action:

Fill 113 square feet and temporarily impact 73 square feet of a red maple/scrub-shrub swamp, and disturb 24 linear feet of an intermittent stream, to remove an existing 12" x 8' culvert and replace with a 24" x 20' culvert to widen the existing stream crossing to accommodate a shared driveway for two building lots.

\*\*\*\*\*

**APPROVE PERMIT:**

Approve the filling of 113 square feet and temporarily impact 73 square feet of a red maple/scrub-shrub swamp, and disturb 24 linear feet of an intermittent stream, to remove an existing 12" x 8' culvert and replace with a 24" x 20' culvert to widen the existing stream crossing to accommodate a shared driveway for two building lots.

**With Conditions:**

1. All work shall be in accordance with plans by Presby Construction, Inc. dated 2/14/03, as received by the Department on 2/21/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Construction equipment shall not be located in surface waters or wetlands.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Work shall be done during low flow.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of an intermittent stream for the installation of a culvert to access single family building lots
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

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**2003-00452                      YANKEE FOREST LLC**  
**MILAN    Unnamed Stream**

COMPLETE NOTIFICATION:  
Milan Tax Map 42, Lot# 2 Parcel E

**2003-00474                      HEAFIELD, CRAIG**  
**WEARE    Unnamed Stream**

COMPLETE NOTIFICATION:

Weare Tax Map 412, Lot# 100 & 101

**2003-00480                      BARLE INC., RALPH BRADLEY**  
**THORNTON    Unnamed Stream**

COMPLETE NOTIFICATION:

Thornton Tax Map 3, Lot# 8-18 & 3-12

**EXPEDITED MINIMUM**

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**2003-00066                      DUFRESNE, AMY**  
**HOOKSETT    Unnamed Wetland**

Requested Action:

Dredge and fill 2,195 sq. ft. of forested wetlands to replace an existing 15 in. dia. CMP culvert with 50 feet of 18 in. dia. ADS culvert and associated fill to upgrade and widen an existing roadway to provide access to a 5-lot residential subdivision on a 14.37 acre parcel of land.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The minimum impact expedited application was signed by the Hooksett Conservation Commission.

APPROVE PERMIT:

Dredge and fill 2,195 sq. ft. of forested wetlands to replace an existing 15 in. dia. CMP culvert with 50 feet of 18 in. dia. ADS culvert and associated fill to upgrade and widen an existing roadway to provide access to a 5-lot residential subdivision on a 14.37 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated February 2003, last revised and stamped by Jennifer B. McCourt, P.E. March 14, 2003, as received by the Department on March 18, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of forested wetlands.

**2003-00109                      WINDWARD HARBOR ASSOCIATION**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Replace existing cribbing located underneath an existing antique boathouse that is connected to the shore by a walkway measuring approximately 135' on 1,100' of frontage on Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Moultonborough Conservation Commission signed this Minimum Impact Expedited Permit Application.

APPROVE PERMIT:

Replace existing cribbing located underneath an existing antique boathouse that is connected to the shore by a walkway measuring approximately 135' on 1,100' of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan, P.C. dated December 10, 2002, last revised February 21, 2003, as received by the Department on February 26, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Crib repair shall maintain existing size, location and configuration.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that this "existing structure" was not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of existing cribbing.

**2003-00140                      BAILAT, EDITH**  
**CHICHESTER   Unnamed Wetland**

Requested Action:

Dredge and fill 1,071 square feet of forested wetland to install 23 linear feet of 18 inch diameter HDPE culvert and associated fill for vehicular access to one single family building lot in a 4-lot subdivision on 10.49 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Chichester Conservation Commission signed this Minimum Impact Expedited permit application.

APPROVE PERMIT:

Dredge and fill 1,071 square feet of forested wetland to install 23 linear feet of 18 inch diameter HDPE culvert and associated fill for vehicular access to one single family building lot in a 4-lot subdivision on 10.49 acres.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying, Inc. dated November 7, 2002, as received by the Department on March 3, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 4 of this approval.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for vehicular access to a single-family building lot.

**2003-00294                      WELCOME, LEIGH & CORA**  
**CONCORD   Unnamed Wetland**

Requested Action:

Dredge and fill 2,236 square feet of palustrine scrub-shrub wetlands to replace an existing 12 inch diameter CMP culvert with 20 feet of 24 inch diameter RCP culvert and associated fill for vehicular access to a 15-lot residential subdivision on 52.667 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Concord Conservation Commission signed this minimum impact expedited application.

APPROVE PERMIT:

Dredge and fill 2,236 square feet of palustrine scrub-shrub wetlands to replace an existing 12 inch diameter CMP culvert with 20 feet of 24 inch diameter RCP culvert and associated fill for vehicular access to a 15-lot residential subdivision on 52.667 acres.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated November 8, 2003, as received by the Department on February 19, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 5 of this approval.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. Work authorized shall be carried out such that impacts to jurisdictional areas that provide habitat for rare reptiles and amphibians shall be avoided or minimized to the maximum extent practicable.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.

10. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

11. Proper headwalls shall be constructed within seven days of culvert installation.

12. Culvert outlets shall be properly rip rapped.

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland for vehicular access to a 15-lot subdivision.

2. Condition #8 specifically addresses concerns raised by New Hampshire Fish and Game Nongame and Endangered Species Division ("Nongame"). Nongame personnel conducted an inspection of the property on March 17, 2003, and recommended efforts to minimize impacts to wetlands which may support rare amphibians and reptiles.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2003-00318                      EVANS, BEVERLY**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair existing cribs supporting two 5' x 25'8" docks and one 6' x 25'8" dock connected by a 5'4" x 35'10" walkway in a "W" configuration, and a 15'6" x 28' open-sided boathouse on 100.8 feet of frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

The Alton Conservation Commission signed this minimum impact expedited permit application, and expressed concern that the application does not explicitly address whether the roof is to be replaced following the proposed crib replacement. The construction sequence submitted with the plans, dated February 3, 2003, clarifies this issue. It states that the roof will be removed during construction and replaced after the new crib is installed.

APPROVE PERMIT:

Repair existing cribs supporting two 5' x 25'8" docks and one 6' x 25'8" dock connected by a 5'4" x 35'10" walkway in a "W" configuration, and a 15'6" x 28' open-sided boathouse on 100.8 feet of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 3, 2003, as received by the Department on February 24, 2003.

2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Repair shall maintain existing size, location and configuration.

4. This permit does not allow for maintenance dredging.

5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.

6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing

structures" were not previously permitted or grandfathered.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
10. Rocks shall not be stockpiled in jurisdiction or within 20 feet of an abutting property line or the imaginary extension of that line over water.
11. Work shall be done during drawdown.
12. Appropriate siltation/erosion/turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of an existing docking facility.
2. The replacement of those portions of the boathouse of the waterline with new structures having the same size, location and configuration does not require a permit from the Wetlands Bureau.

**GOLD DREDGE**

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**2003-00459                      COUTURE, JACQUES**  
**(ALL TOWNS)   Unnamed Stream**

**2003-00475                      MANSFIELD, CANDY**  
**(ALL TOWNS)   Unnamed Stream**

**2003-00486                      JAMES SR, JOHN**  
**(ALL TOWNS)   Unnamed Stream**

**TRAILS NOTIFICATION**

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**2003-00455                      THE HILLS AT CROCKETT FARM**  
**STRATHAM   Unnamed Wetland**

COMPLETE NOTIFICATION:  
Stratham Tax Map 3, Lot# 17

**SEASONAL DOCK NOTIFICATIO**

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**2003-00481                      MERCIER, BRIAN & CARL**  
**MILLSFIELD   Millsfield Pond**

**SHORELAND VARIANCE**

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**2003-00311                      PARENT, ROBERT & PATRICIA**  
**LEBANON   Lascoma Lake**

**2003-00358                      TURCOTTE, GAIL**  
**NOTTINGHAM   Pawtuckaway Lake**